

APR 20 2015

Clerk, U.S. District Court  
District Of Montana  
MissoulaIN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

DANIEL JUSTIN CARRELL,

Plaintiff,

vs.

ELIZABETH RANTZ, MIKE  
FERRITER, DR. KOHUT, DR.  
EUNICE, and NURSE TONYA,

Defendants.

CV 13-58-H-DWM-JTJ

ORDER

This matter comes before the Court on Plaintiff Daniel Justin Carrell's failure to respond to Magistrate Judge John Johnston's Order requiring Carrell to show cause why this matter should not be recommended for dismissal with prejudice for failure to prosecute. (Doc. 31.) Judge Johnston entered Findings and Recommendations on March 18, 2015, recommending the Court dismiss this matter with prejudice pursuant to Rule 41(d) of the Federal Rules of Civil Procedure. (Doc. 32.) Carrell has not filed objections to Judge Johnston's Findings and Recommendations.

The Court reviews the findings and recommendations that are not specifically objected to for clear error. *McDonnell Douglas Corp. v. Commodore*

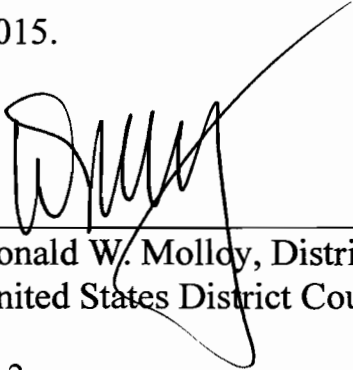
*Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). The Court finds no clear error with Judge Johnston’s analysis or determination that this matter should be dismissed for lack of prosecution and for failure to comply with the Court’s Order.

Accordingly, IT IS ORDERED that the Findings and Recommendations (Doc. 32) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that this matter is DISMISSED WITH PREJUDICE pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Clerk of Court is directed to close this matter, enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure, and terminate all pending motions.

IT IS FURTHER ORDERED that the Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

DATED this 20<sup>th</sup> day of April, 2015.



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Donald W. Molloy, District Judge  
United States District Court